

Union Calendar No. 538

106TH CONGRESS
2D SESSION

H. R. 4613

[Report No. 106–890]

To amend the National Historic Preservation Act for purposes of establishing
a national historic lighthouse preservation program.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2000

Mr. SOUDER (for himself, Mr. STUPAK, Mr. FORBES, Mr. ROMERO-BARCELO, Mr. ENGLISH, Mr. METCALF, Mr. HOLDEN, Mr. LOBIONDO, Mr. SHAYS, Mr. GILLMOR, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Committee on Resources

SEPTEMBER 26, 2000

Additional sponsors: Mr. KILDEE and Mr. JONES of North Carolina

SEPTEMBER 26, 2000

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 8, 2000]

A BILL

To amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Historic Light-*
5 *house Preservation Act of 2000”.*

6 **SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.**

7 *Title III of the National Historic Preservation Act (16*
8 *U.S.C. 470w, 470w–6) is amended by adding at the end*
9 *the following new section:*

10 **“SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.**

11 *“(a) IN GENERAL.—In order to provide a national his-*
12 *toric light station program, the Secretary shall—*

13 *“(1) collect and disseminate information con-*
14 *cerning historic light stations, including historic*
15 *lighthouses and associated structures;*

16 *“(2) foster educational programs relating to the*
17 *history, practice, and contribution to society of his-*
18 *toric light stations;*

19 *“(3) sponsor or conduct research and study into*
20 *the history of light stations;*

21 *“(4) maintain a listing of historic light stations;*
22 *and*

23 *“(5) assess the effectiveness of the program estab-*
24 *lished by this section regarding the conveyance of his-*
25 *toric light stations.*

1 “(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

2 “(1) PROCESS AND POLICY.—Not later than one
3 year after the date of the enactment of this section, the
4 Secretary and the Administrator shall establish a
5 process and policies for identifying, and selecting, an
6 eligible entity to which a historic light station could
7 be conveyed for education, park, recreation, cultural,
8 or historic preservation purposes, and to monitor the
9 use of such light station by the eligible entity.

10 “(2) APPLICATION REVIEW.—The Secretary shall
11 review all applications for the conveyance of a his-
12 toric light station, when the agency with administra-
13 tive jurisdiction over the historic light station has de-
14 termined the property to be ‘excess property’ as that
15 term is defined in the Federal Property Administra-
16 tive Services Act of 1949 (40 U.S.C. 472(e)), and for-
17 ward to the Administrator a single approved applica-
18 tion for the conveyance of the historic light station.
19 When selecting an eligible entity, the Secretary shall
20 consult with the State Historic Preservation Officer of
21 the state in which the historic light station is located.

22 “(3) CONVEYANCE OF HISTORIC LIGHT STA-
23 TIONS.—(A) Except as provided in subparagraph (B),
24 the Administrator shall convey, by quitclaim deed,
25 without consideration, all right, title, and interest of

1 *the United States in and to the historic light station,*
2 *subject to the conditions set forth in subsection (c)*
3 *after the Secretary’s selection of an eligible entity.*
4 *The conveyance of a historic light station under this*
5 *section shall not be subject to the provisions of the*
6 *Stewart B. McKinney Homeless Assistance Act (42*
7 *U.S.C. 11301 et seq.) or section 416(d) of the Coast*
8 *Guard Authorization Act of 1998 (Public Law 105–*
9 *383).*

10 *“(B)(i) Historic light stations located within the*
11 *exterior boundaries of a unit of the National Park*
12 *System or a refuge within the National Wildlife Ref-*
13 *uge System shall be conveyed or sold only with the*
14 *approval of the Secretary.*

15 *“(ii) If the Secretary approves the conveyance of*
16 *a historic light station referenced in this paragraph,*
17 *such conveyance shall be subject to the conditions set*
18 *forth in subsection (c) and any other terms or condi-*
19 *tions the Secretary considers necessary to protect the*
20 *resources of the park unit or wildlife refuge.*

21 *“(iii) If the Secretary approves the sale of a his-*
22 *toric light station referenced in this paragraph, such*
23 *sale shall be subject to the conditions set forth in sub-*
24 *paragraphs (A) through (D) and (H) of subsection*
25 *(c)(1) and subsection (c)(2) and any other terms or*

1 *conditions the Secretary considers necessary to protect*
2 *the resources of the park unit or wildlife refuge.*

3 “(iv) *For those historic light stations referenced*
4 *in this paragraph, the Secretary is encouraged to*
5 *enter into cooperative agreements with appropriate el-*
6 *igible entities, as provided in this Act, to the extent*
7 *such cooperative agreements are consistent with the*
8 *Secretary’s responsibilities to manage and administer*
9 *the park unit or wildlife refuge, as appropriate.*

10 “(c) *TERMS OF CONVEYANCE.—*

11 “(1) *IN GENERAL.—The conveyance of a historic*
12 *light station shall be made subject to any conditions,*
13 *including the reservation of easements and other*
14 *rights on behalf of the United States, the Adminis-*
15 *trator considers necessary to ensure that—*

16 “(A) *the Federal aids to navigation located*
17 *at the historic light station in operation on the*
18 *date of conveyance remain the personal property*
19 *of the United States and continue to be operated*
20 *and maintained by the United States for as long*
21 *as needed for navigational purposes;*

22 “(B) *there is reserved to the United States*
23 *the right to remove, replace, or install any Fed-*
24 *eral aid to navigation located at the historic*

1 *light station as may be necessary for naviga-*
2 *tional purposes;*

3 “(C) *the eligible entity to which the historic*
4 *light station is conveyed under this section shall*
5 *not interfere or allow interference in any man-*
6 *ner with any Federal aid to navigation, nor*
7 *hinder activities required for the operation and*
8 *maintenance of any Federal aid to navigation,*
9 *without the express written permission of the*
10 *head of the agency responsible for maintaining*
11 *the Federal aid to navigation;*

12 “(D) *the eligible entity to which the historic*
13 *light station is conveyed under this section shall,*
14 *at its own cost and expense, use and maintain*
15 *the historic light station in accordance with this*
16 *Act, the Secretary of the Interior’s Standards for*
17 *the Treatment of Historic Properties, 36 CFR*
18 *part 68, and other applicable laws, and any pro-*
19 *posed changes to the historic light station shall*
20 *be reviewed and approved by the Secretary in*
21 *consultation with the State Historic Preservation*
22 *Officer of the state in which the historic light*
23 *station is located, for consistency with 36 CFR*
24 *part 800.5(a)(2)(vii), and the Secretary of the*

1 *Interior’s Standards for Rehabilitation, 36 CFR*
2 *part 67.7;*

3 “(E) *the eligible entity to which the historic*
4 *light station is conveyed under this section shall*
5 *make the historic light station available for edu-*
6 *cation, park, recreation, cultural or historic*
7 *preservation purposes for the general public at*
8 *reasonable times and under reasonable condi-*
9 *tions;*

10 “(F) *the eligible entity to which the historic*
11 *light station is conveyed shall not sell, convey,*
12 *assign, exchange, or encumber the historic light*
13 *station, any part thereof, or any associated his-*
14 *toric artifact conveyed to the eligible entity in*
15 *conjunction with the historic light station con-*
16 *veyance, including but not limited to any lens or*
17 *lanterns, unless such sale, conveyance, assign-*
18 *ment, exchange or encumbrance is approved by*
19 *the Secretary;*

20 “(G) *the eligible entity to which the historic*
21 *light station is conveyed shall not conduct any*
22 *commercial activities at the historic light sta-*
23 *tion, any part thereof, or in connection with any*
24 *associated historic artifact conveyed to the eligi-*
25 *ble entity in conjunction with the historic light*

1 *station conveyance, in any manner, unless such*
2 *commercial activities are approved by the Sec-*
3 *retary; and*

4 *“(H) the United States shall have the right,*
5 *at any time, to enter the historic light station*
6 *conveyed under this section without notice, for*
7 *purposes of operating, maintaining, and inspect-*
8 *ing any aid to navigation and for the purpose*
9 *of ensuring compliance with this subsection, to*
10 *the extent that it is not possible to provide ad-*
11 *vance notice.*

12 *“(2) MAINTENANCE OF AID TO NAVIGATION.—*
13 *Any eligible entity to which a historic light station is*
14 *conveyed under this section shall not be required to*
15 *maintain any Federal aid to navigation associated*
16 *with a historic light station, except any private aids*
17 *to navigation permitted under section 83 of title 14,*
18 *United States Code, to the eligible entity.*

19 *“(3) REVERSION.—In addition to any term or*
20 *condition established pursuant to this subsection, the*
21 *conveyance of a historic light station shall include a*
22 *condition that the historic light station, or any asso-*
23 *ciated historic artifact conveyed to the eligible entity*
24 *in conjunction with the historic light station convey-*
25 *ance, including but not limited to any lens or lan-*

1 *terns, at the option of the Administrator, shall revert*
2 *to the United States and be placed under the admin-*
3 *istrative control of the Administrator, if—*

4 *“(A) the historic light station, any part*
5 *thereof, or any associated historic artifact ceases*
6 *to be available for education, park, recreation,*
7 *cultural, or historic preservation purposes for the*
8 *general public at reasonable times and under*
9 *reasonable conditions which shall be set forth in*
10 *the eligible entity’s application;*

11 *“(B) the historic light station or any part*
12 *thereof ceases to be maintained in a manner that*
13 *ensures its present or future use as a site for a*
14 *Federal aid to navigation;*

15 *“(C) the historic light station, any part*
16 *thereof, or any associated historic artifact ceases*
17 *to be maintained in compliance with this Act,*
18 *the Secretary of the Interior’s Standards for the*
19 *Treatment of Historic Properties, 36 CFR part*
20 *68, and other applicable laws;*

21 *“(D) the eligible entity to which the historic*
22 *light station is conveyed, sells, conveys, assigns,*
23 *exchanges, or encumbers the historic light sta-*
24 *tion, any part thereof, or any associated historic*
25 *artifact, without approval of the Secretary;*

1 “(E) the eligible entity to which the historic
2 light station is conveyed, conducts any commer-
3 cial activities at the historic light station, any
4 part thereof, or in conjunction with any associ-
5 ated historic artifact, without approval of the
6 Secretary; or

7 “(F) at least 30 days before the reversion,
8 the Administrator provides written notice to the
9 owner that the historic light station or any part
10 thereof is needed for national security purposes.

11 “(d) DESCRIPTION OF PROPERTY.—

12 “(1) IN GENERAL.—The Administrator shall pre-
13 pare the legal description of any historic light station
14 conveyed under this section. The Administrator, in
15 consultation with the Commandant, United States
16 Coast Guard, and the Secretary, may retain all right,
17 title, and interest of the United States in and to any
18 historical artifact, including any lens or lantern, that
19 is associated with the historic light station and lo-
20 cated at the light station at the time of conveyance.
21 Wherever possible, such historical artifacts should be
22 used in interpreting that station. In cases where there
23 is no method for preserving lenses and other artifacts
24 and equipment in situ, priority should be given to

1 *preservation or museum entities most closely associ-*
2 *ated with the station, if they meet loan requirements.*

3 “(2) *ARTIFACTS.*—*Artifacts associated with, but*
4 *not located at, the historic light station at the time*
5 *of conveyance shall remain the personal property of*
6 *the United States under the administrative control of*
7 *the Commandant, United States Coast Guard.*

8 “(3) *COVENANTS.*—*All conditions placed with*
9 *the quitclaim deed of title to the historic light station*
10 *shall be construed as covenants running with the*
11 *land.*

12 “(4) *SUBMERGED LANDS.*—*No submerged lands*
13 *shall be conveyed under this section.*

14 “(e) *DEFINITIONS.*—*For purposes of this section:*

15 “(1) *ADMINISTRATOR.*—*The term ‘Adminis-*
16 *trator’ shall mean the Administrator of General Serv-*
17 *ices.*

18 “(2) *HISTORIC LIGHT STATION.*—*The term ‘his-*
19 *toric light station’ includes the light tower, lighthouse,*
20 *keepers dwelling, garages, storage sheds, oil house, fog*
21 *signal building, boat house, barn, pumphouse,*
22 *tramhouse support structures, piers, walkways, under-*
23 *lying and appurtenant land and related real property*
24 *and improvements associated therewith; provided that*
25 *the ‘historic light station’ shall be included in or eli-*

1 *gible for inclusion in the National Register of His-*
2 *toric Places.*

3 “(3) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
4 *ty’ shall mean:*

5 “(A) *any department or agency of the Fed-*
6 *eral Government; or*

7 “(B) *any department or agency of the State*
8 *in which the historic light station is located, the*
9 *local government of the community in which the*
10 *historic light station is located, nonprofit cor-*
11 *poration, educational agency, or community de-*
12 *velopment organization that—*

13 “(i) *has agreed to comply with the con-*
14 *ditions set forth in subsection (c) and to*
15 *have such conditions recorded with the deed*
16 *of title to the historic light station; and*

17 “(ii) *is financially able to maintain*
18 *the historic light station in accordance with*
19 *the conditions set forth in subsection (c).*

20 “(4) *FEDERAL AID TO NAVIGATION.*—*The term*
21 *‘Federal aid to navigation’ shall mean any device, op-*
22 *erated and maintained by the United States, external*
23 *to a vessel or aircraft, intended to assist a navigator*
24 *to determine position or safe course, or to warn of*
25 *dangers or obstructions to navigation, and shall in-*

1 *clude, but not be limited to, a light, lens, lantern, an-*
 2 *tenna, sound signal, camera, sensor, electronic navi-*
 3 *gation equipment, power source, or other associated*
 4 *equipment.*

5 *“(5) SECRETARY.—The term ‘Secretary’ means*
 6 *the Secretary of the Interior.”.*

7 **SEC. 3. SALE OF HISTORIC LIGHT STATIONS.**

8 *Title III of the National Historic Preservation Act (16*
 9 *U.S.C. 470w, 470w–6), as amended by section 2 of this Act,*
 10 *is amended by adding at the end the following new section:*

11 **“SEC. 309. HISTORIC LIGHT STATION SALES.**

12 *“(a) IN GENERAL.—In the event no applicants are ap-*
 13 *proved for the conveyance of a historic light station pursu-*
 14 *ant to section 308, the historic light station shall be offered*
 15 *for sale. Terms of such sales shall be developed by the Ad-*
 16 *ministrator of General Services and consistent with the re-*
 17 *quirements of section 308, subparagraphs (A) through (D)*
 18 *and (H) of subsection (c)(1), and subsection (c)(2). Convey-*
 19 *ance documents shall include all necessary covenants to pro-*
 20 *tect the historical integrity of the historic light station and*
 21 *ensure that any Federal aid to navigation located at the*
 22 *historic light station is operated and maintained by the*
 23 *United States for as long as needed for that purpose.*

24 *“(b) NET SALE PROCEEDS.—Net sale proceeds from*
 25 *the disposal of a historic light station—*

1 “(1) located on public domain lands shall be
2 transferred to the National Maritime Heritage Grant
3 Program, established by the National Maritime Herit-
4 age Act of 1994 (Public Law 103–451) within the De-
5 partment of the Interior; and

6 “(2) under the administrative control of the
7 Coast Guard shall be credited to the Coast Guard’s
8 Operating Expenses appropriation account, and shall
9 be available for obligation and expenditure for the
10 maintenance of light stations remaining under the
11 administrative control of the Coast Guard, such funds
12 to remain available until expended and shall be avail-
13 able in addition to funds available in the Operating
14 Expense appropriation for this purpose.”.

15 **SEC. 4. FUNDING.**

16 There are hereby authorized to be appropriated to the
17 Secretary of the Interior such sums as may be necessary
18 to carry out this Act.

Union Calendar No. 538

106TH CONGRESS
2D SESSION

H. R. 4613

[Report No. 106–890]

A BILL

To amend the National Historic Preservation Act
for purposes of establishing a national historic
lighthouse preservation program.

SEPTEMBER 26, 2000

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the Union,
and ordered to be printed